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No. 06-996

Supreme Court, U.S.
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In The

Supreme Court of the United States

LAUREN J. PAULSON,

Petitioner,

v.

OREGON STATE BAR and
THE SUPREME COURT OF OREGON,

Respondents.

On Petition For A Writ Of Certiorari To The Supreme Court Of Oregon

PETITION FOR REHEARING

LAUREN J. PAULSON
Attorney at Law
3980 SW 170th Avenue
Aloha, Oregon 97007
(503) 591-1819

QUESTIONS PRESENTED ON REHEARING

On Rehearing there are three questions presented:

- *Intervening Circumstances* – Since the instant case was filed with the U.S. Supreme Court (*Dascher*), the Bar has filed six (6) more formal disciplinary cases against Paulson. Four (4) of the six cases against Paulson were filed on March 6, 2007. These four new cases blatantly circumvented the Oregon Bar Rules of procedure for disciplinary cases, ergo deny Paulson fundamental due process and fair play. Moreover, these new disciplinary cases were filed in further reprisal against Paulson as previously outlined in cases Nos. 06-675 and 06-996.

- *Oregon State Bar Rules of Procedure and Bylaws* (*Bar Rules*) – Examined in whole the Oregon State Bar Rules deny the 7,000 plus Oregon lawyers procedural and substantive due process in disciplinary prosecutions.

- *Oregon State Bar 'Counsel'* – The Disciplinary Counsel maintains a list of Oregon lawyers, at Oregon State Bar members expense, who volunteer to serve as Bar 'Counsel' to aid the Bar in the prosecution of disciplinary cases. Susan Hoebach is that volunteer lawyer in this case. There is no equal maintenance of a list of volunteer lawyers to aid the accused in the defense of a disciplinary case. This denies Oregon lawyers equal protection of the laws and equal access to justice when this denies their fundamental right to earn a living.

PARTIES

Lauren Paulson is an attorney in Aloha, Oregon and a Member of the Bar since 1973. He has served as the President of the Washington County Bar Association in 1996 and was elected to the Oregon State Bar Board of Governors in 2002.

Karen Garst is the Executive Director of the Oregon State Bar and is a not a lawyer.

Jeff Sapiro has been employed by the Oregon State Bar since 1981 and has been the Disciplinary Counsel (prosecutor) for the Oregon State Bar since 1988. Stacy Hankin is an Assistant Disciplinary Counsel with the OSB. Susan Hoebach is a former prosecutor with the Washington County District Attorney's office and is a volunteer Bar Counsel for the OSB.

The Oregon State Bar is a public corporation, a political subdivision and agency of the State of Oregon and an instrumentality of the Oregon Supreme Court.

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OPINION BELOW

The Oregon Supreme Court rendered its written Opinion in this lawyer disciplinary case on October 19, 2006. That Opinion upheld the trial panel opinion dated December 27, 2005. The United States Supreme Court denied Paulson's Petition for Certiorari in this case (No. 06-996) on March 26, 2007. This Court had previously denied Certiorari in the companion case (No. 06-675) on January 8, 2007.

COMPANION CASES

1. Paulson had filed a Petition for a Writ of Certiorari in this Court on November 13, 2006 in Case # 06-675 *Lauren Paulson v. Oregon State Bar and The Supreme Court of Oregon.* (Also referred to hereinafter as the *Gensman* case. Mr. Gensman was the complaining party and the Defendant in the underlying case (*Nutt v. Gensman, et al.*) that lead to the disciplinary case).

2. Following Paulson's removal from the Oregon State Bar's Board of Governors (BOG) in October, 2004 due to the new Bylaw 18.6 (which suspended a BOG member if there was a formal disciplinary complaint pending against that person. This 'new' rule suspended Paulson from service on BOG) he filed a complaint in Oregon Federal District Court alleging, *inter alia,* violations of civil rights and bill of attainder in *Paulson v. Carter, et al.* (Carter) Case # CV04-1501KI. That matter is on appeal in the Ninth Circuit (Case #06-35260).

3. The Oregon State Bar has now filed six (6) more disciplinary cases against Paulson (OSB Nos. 05-187, 06-05, 07-19, 07-20, 07-21, 07-22), four (4) on March 8, 2007.

JURISDICTION

This Petition for a Rehearing on Paulson's previous Petition for a Writ of Certiorari is filed within 25 days after the March 26, 2007 denial.

FEDERAL QUESTIONS INVOLVED

The federal questions involved in this case is the "due process" clause of the Fifth and the Fourteenth Amendments to the United States Constitution which precludes a state from depriving any person of life, liberty, or property without due process of law. The Fourteenth Amendment also forbids any state to "deny any person within its jurisdiction the equal protection of the laws."

In the *Dascher* case, the Oregon Supreme Court has tacked on four more months of suspension of Paulson's right to practice law to the Companion Case #06-675 cited above. Paulson is an innocent man.

STATEMENT OF FACTS

The facts are set forth in pain-staking detail in No. 06-675 (*Gensman*) and No. 06-996 (*Dascher I* and note the short chronological summary there at App. 60-61). *Here is what we know* – (all what follows is undisputed because neither the Oregon State Bar nor the Supreme Court of Oregon has responded to either Petition).

- In *Gensman* it is undisputed that neither the Trial Court (in the underlying case) nor the Oregon Supreme Court (in the disciplinary case) read the record before making their formal ruling.
- Paulson broke not a single identifiable rule, statute, ethical code or any other rule before being suspended from the practice of law for six months in *Gensman*.
- The Oregon State Bar and the Supreme Court of Oregon has a plethora of its facts wrong in *Gensman*; the most objectively identifiable of which is what claims remained in the Nutt's complaint at the time of trial on July 1, 1999.
- Paulson made a disciplinary complaint against Jeff Sapiro, Oregon State Bar's Disciplinary Counsel, in *Gensman* in 2001.

Prior to 2001, Paulson had only *one* (1) formal disciplinary complaint against him in twenty six (26) years of being a lawyer. After 2001 Paulson has had eight (8) more formal disciplinary complaints filed against him by Jeff Sapiro in a six year period or an average of more than one per year. In 2002, **47.1%** of Oregon lawyers responded in a survey that they believe there is bias in Oregon State Bar's disciplinary system.

- Under Bar Bylaws an accused lawyer in Oregon may not speak to Bar leadership following being charged with a formal disciplinary complaint, but the prosecutorial arm of the Oregon State Bar may.
- Oregon's Disciplinary Counsel is both prosecutor, Director/advisor and Counsel to the disciplinary grand jury.
- Jeff Sapiro attends the meetings where the disciplinary judges are selected.
- Paulson was a whistle blower on Karen Garst's attempt to get the Bar to buy her church. Jeff Sapiro, the Bar's prosecutor, reports to her. Paulson had filed a Bar complaint against Mr. Sapiro in 2001
- The Bar filed the *Gensman* disciplinary case against Paulson the same day Paulson was sworn in to the Bar Board of Governors in 2002.
- In 2003 Paulson commenced a Region Four Bar newsletter to his 1,000 constituents that Bar leadership, including Karen Garst, did not like.
- The Bar created a 'new rule', Bylaw 18.6, in 2004, that suspended Paulson from the Board of Governors and terminated his newsletter.
- In 2004 Paulson filed suit in Federal District Court against Jeff Sapiro, among others, in the above referenced companion case

(*Paulson v. Carter, et al.*, Case # CV04-1501KI, Ninth Circuit Case # 06-35260).

- Since 2001 the Bar, through Jeff Sapiro, has filed eight (8) new bar complaints against Paulson.

REASONS FOR GRANTING THE REHEARING

1. The intervening circumstances of substantial effect is the recent filing (March 8, 2007) of an amended formal complaint against Paulson by Jeff Sapiro attaching four new ethics formal complaints to two extant formal complaints, all to be consolidated and tried on April 25, 2007.

For the Bar, through Jeff Sapiro to file eight (8) formal complaints in these last six (6) years when in the proceeding twenty-six (26) years Paulson had only one formal bar complaint against him is patent evidence of reprisal. Further, Jeff Sapiro has an actual conflict of interest in prosecuting Paulson when Paulson has filed suit against him as previously noted in the "Companion Cases" above.

2. Examined as a whole, the Oregon State Bar Rules of Procedure and Bylaws (Bar Rules) deny the 7,000 plus Oregon lawyers procedural and substantive due process in disciplinary proceedings. This examination and the issue of Bar Counsel discussed below are other substantial grounds not previously presented but now integrated with the arguments to be found in Petitions Nos. 06-675 and 06-996.

3. It is a denial of equal protection of the laws for the Oregon State Bar to maintain, at member expense, a list of Bar Counsel to assist the Bar in prosecutions of disciplinary matters yet maintain no equal list of attorneys to assist the accused to defend himself. Susan Hoebach is the volunteer Bar Counsel which assisted and presented the Bar's case in *Dascher I* at trial, yet no volunteer Bar Counsel was available to Paulson.

This turns indigent defense and access to justice on its head. These Bar prosecutions have forced Paulson to sell his home in 2006 and now Paulson has put his law office up for sale in 2007 because these prosecutions have truncated his twenty year successful and thriving private practice in his home town of Aloha, Oregon.

DISCUSSION

1. *Intervening Circumstances* – In *Morrison v. Olson,* Justice Scalia quoted at length from a speech by Justice Robert Jackson delivered when the latter was attorney general in 1940 about the temptations of *any* prosecutor. Commenting on a prosecutor's vast powers and immense discretion, and the dangers of abusing them – specifically, by not "discovering the commission of a crime and then looking for the man who has committed it," but "picking the man" and then "putting investigators to work, to pin some offense on him." Any prosecutor, Jackson said, "stands a fair chance of finding at least a technical violation of some act on the part of almost anyone." Renata Adler, *Irreparable Harm*, Melville House Publishing (2004) at page 40. If this panel, this reader, or this Court thinks it is just a coincidence that Paulson's formal complaint ratio goes from one every 26 years to one every year commencing with Paulson's formal complaint against Jeff Sapiro, then there are many other rugs we must be looking under in 2001.

2. *Oregon State Bar Rules of Procedure and Bylaws (Bar Rules)* – The Oregon State Bar Rules have evolved over time. At the same time, there are a thousand arrows built in these rules designed to thwart a members defense and a thousand arrows designed to secure a conviction for the Bar.

A. The Nature of the Proceedings are sui generis, neither Criminal nor Civil. BR 1.3. Yet the discovery rules (BR 4.5) and many of the other rules are drawn heavily from Oregon's Rules of Civil Procedure (ORCP). However, Bar Rule 4.4 states that the "only permissible

pleadings shall be a formal complaint and an answer, and amendments." This precludes omnibus motions, motions to compel discovery and any other proceeding the accused may need to clarify the formal complaint or force discovery. Subpoenas "may" be issued by the trial panel chairperson selected by the prosecutor. This means that the accused cannot force the attendance of witnesses. Rule 4.4 permits the Bar to "add new charges at any time" which they have done here.

Because of the Disciplinary Task Force participated in by Paulson noted in No. 06-675 (*Gensman*) at pp. 3-5 disciplinary intake was taken away from Jeff Sapiro and placed under the General Counsel's office under the rubric of the Client Assistance Office (CAO). Bar Rule 2.5 **requires** that new cases first go to the CAO for triage before going to the Disciplinary Counsel's office. (App.) *These four new cases did not go to the CAO first as required by Bar Rule 2.5.* Why? Because Jeff Sapiro wants to disbar Paulson.

B. In *Dascher I,* No. 06-996 Paulson outlined in detail how the Bylaws and Bar Rules provide Jeff Sapiro with multi tasks including being the prosecutor, the lawyer for the grand jury (the State Professional Responsibility Board or SPRB as it is commonly known). The Bar has admitted that Jeff Sapiro also attends the meetings where the disciplinary judges are selected. (App. 91) Jeff Sapiro is designated as the "Manager of Regulatory Services/Discipline" in the Oregon State Bar Directory at page 2 under Oregon State Bar Administration. (App. 137) However, at page 9 Jeff Sapiro is identified in a new position of "Director of Regulatory Services and Disciplinary Counsel" for the State Professional Responsibility Board. (App.) It has already been established in *Dascher I* at page 3 that Jeff Sapiro is identified as the "Counsel" to the SPRB under Oregon State Bar Bylaw 18.100 meaning the lawyer for the SPRB. Under Oregon State Bar Board of Governors Bylaw 18.104 all the work product of Jeff Sapiro activities at the SPRB are exempt from disclosure as " . . . bar counsel or Disciplinary Counsel." (App. 140-141) Now it has been discovered that Jeff Sapiro is not only bar counsel and Disciplinary Counsel, but he is also

the "Director" of the grand jury for Oregon's disciplinary process. This was not previously known. So, Jeff Sapiro has six roles in the disciplinary process in Oregon. He is:

- Δ Disciplinary Counsel (the prosecutor – see amended complaint) App. 134
- Δ Bar Counsel to the State Professional Responsibility Board (attorney for the grand jury – see Bylaw 18.100 which is App. 94 of *Dascher I*)
- Δ Director of the SPRB (the bar administrator for the grand jury – see page 9 of the Bar Directory) App. 138
- Δ Advisor to the Board of Governors Appointments Committee for disciplinary judge selection (see App. 91 of *Dascher I*)
- Δ Manager of Regulatory Services/Discipline (see page 2 of the Bar Directory) App. 137
- Δ Director of the Local Professional Committee County Chairs [LPRC] (the investigators for the disciplinary process – see page 9 of the Bar Directory) App. 139

In *Dascher I* only half of these responsibilities were identified. One might say Jeff Sapiro has all the disciplinary bases covered for ultimate reprisal. As the old saying goes, he could indict a ham sandwich.

3. *Oregon State Bar 'Counsel'* – Even though Jeff Sapiro is identified as "bar counsel" in Bylaw 18.100 and 18.104 there is yet another "Bar Counsel" (aka "Trial Counsel") in the disciplinary process. Certain lawyers sign up as volunteer "Bar Counsel" to assist the Disciplinary Counsel's office in the prosecution of disciplinary cases. Susan Hoebach, a former Washington County Deputy District Attorney (in Paulson's Region Four), is that volunteer 'Bar Counsel' in *Dascher I*.

Each year the Bar provides a report to the Board of Governors called "Program Measures Review." In the Bar's March, 2005 rendering the Disciplinary Counsel's office reports that in 2004 "Nearly **90** lawyers serve on a statewide panel as trial counsel;" [Emphasis supplied] under

the "Volunteers/Partnerships" heading. (App. 141) These "bar counsels" were surveyed to assess the quality of (Disciplinary Counsel's) staff. In short, there are almost ninety (90) lawyers who volunteer to assist the Disciplinary Counsel's office in the prosecution of Oregon lawyers. There is no equivalent cadre of volunteer lawyers administered by the Bar or anyone to defend accused members of the Bar from those prosecutions. An accused member of the Oregon State Bar has no system of volunteer lawyers available to them at all even though 'trial (bar) counsel' available to the Bar are administered with their membership dues.

The Oregon State Bar is a public corporation with a $15 million dollar budget. The Disciplinary Counsel's office combined with the Client Assistance Office (intake) has a combined budget of over $2 million dollars. The Disciplinary Counsel's office has about 200 pending cases. The Disciplinary Counsel's office has a staff of sixteen people. Each staff member has about 20 pending cases each. They spend about $85,000 on each disciplinary case.

The Fourteenth Amendment to the Constitution forbids any state to deny any person within its jurisdiction the equal protection of the laws. This guarantee of equal protection prohibits arbitrary discriminatory laws against distinct groups of people in the access to justice. Mr. Gideon fought for this right long ago. The Fourteenth Amendment, ratified in 1868, was intended primarily to prevent discrimination against blacks whose citizenship it confirmed. While laws by their very nature distinguish between classes of people and property, but if those laws are capricious, arbitrary or malicious they may deny the appropriate protection to a classified group. Therefore, the primary question for this Court is whether the classification in a matter is permissible. Initially, all the state had to show was whether the classification had a reasonable basis. If there was a reasonable basis then the classification would not be purely arbitrary.

The next question is whether fundamental rights or interests are at stake. Here the fundamental rights or interests are the right of Paulson to earn a living and to be

free from state reprisal. The state must prove not only that there is a compelling governmental interest for making the challenged classification, but also that it can achieve that interest no other way.

Here the Bar has well-paid attorneys on Disciplinary Counsel's staff who prosecute accused lawyers. Supplementing a staff of sixteen people in the Oregon State Bar Disciplinary Counsel's office are nearly ninety (90) volunteer trial (bar) counsel. The Oregon State Bar would have to show that there is a compelling government interest to supply volunteer lawyers to prosecute disciplinary matters and must explain why the Bar withholds volunteer lawyers from the accused lawyer. Moreover, they would have to show that they can achieve prosecutions no other way. It would be one thing if there were no (trial) lawyers in the Disciplinary Counsel's office to participate in the trials, however, the contrary is true. For each case, Disciplinary Counsel staff lawyers actively participate in the prosecution from the beginning to the end. Stacy Hankin is the Assistant Disciplinary Counsel in the *Dascher I* case and participated in every single discovery and trial event. Martha Hicks is an Assistant Disciplinary Counsel and participated in every single discovery and trial event in *Gensman*. Mary Cooper is an Assistant Disciplinary Counsel and filed the briefs and conducted oral argument in the *Gensman* case appeal. At the same time, Greg Miner, a volunteer trial (bar) counsel participated in each discovery and litigated event in the *Gensman* case as did Susan Hoebach, a volunteer trial (bar) counsel in the *Dascher I* case. The fact that a $15 million dollar organization is furnished with volunteer counsel administered and maintained through Bar dues for disciplinary prosecutions and the unwashed Oregon lawyers who are accused **do not** get volunteer counsel is a classic example of an impermissible classification that is arbitrary and capricious without rational basis and affecting a fundamental right, namely, access to justice. The concept that the Bar gets volunteer counsel, but members do not turns the concept of indigent defense, access to justice and right to counsel on its head.

CONCLUSION

It has been said that after *Bush v. Gore* that the United States Supreme Court has some soul work to do. The Oregon State Bar has blatantly retaliated against Paulson and is doing that same retaliation against untold other members of the Oregon State Bar (See App. pp. 74-87 in *Dascher I*). Freedom of speech and press is involved and has been denied. (Paulson's Region Four newsletter – See App. pp. 100-105 in *Dascher I*) Due process is involved and been denied. Note the Supreme Court of Oregon **does not even deny that they did not read the record before ruling in *Gensman* even though de novo review is required under Oregon law**. There are over 7,000 lawyers in Oregon who are afraid to raise their head from the foxhole for fear that Paulson's fate will be theirs.

Equal protection of the laws is involved and been denied. One cannot but sit back in amazement at how the Oregon State Bar has rigged the disciplinary process in Oregon. Evil will prevail if good people do nothing. Thank you for consideration of these matters and particularly if any United States Supreme Court Justice actually reads and considers these thoughts and this dilemma.

But this story has nothing to do with Paulson. It has to do with forty-six (46) lawyers who also reported reprisal in 2002 including # 46 who is the Past President of the Oregon State Bar. (*See Dascher I* App. pp. 74-87) It doesn't even have anything to do with that group of Oregon lawyers who took the time and summoned the courage to speak out. It has to do with almost half of the entire 7,000 plus practicing-attorney membership of the Oregon State Bar who report that in their opinion there is bias in Oregon's disciplinary system. While we are here operating at the top of our legal system, the bottom is falling out and it is a plague on our profession. It will take ones who really care to fix it, as I do. Personal attacks on those who dissent is the vogue of the day and it has to stop somewhere. Why not here?

Respectfully submitted,

LAUREN PAULSON, OSB #73232

CERTIFICATE OF COUNSEL

I hereby certify that this Petition for Rehearing is submitted in good faith and not for delay. This Petition for Rehearing is restricted to the grounds set out in Rule 44.2.

_____

Lauren Paulson OSB # 73232

IN THE SUPREME COURT
OF THE STATE OF OREGON

In re: Complaint as to the Conduct of LAUREN J. PAULSON, Accused.	Case Nos. 05-187, 06-05, 07-19, 07-20, 07-21 & 07-22 AMENDED FORMAL COMPLAINT

Brady-Aiello Matter (Case No. 05-187)

For its FIRST CAUSE OF COMPLAINT against the Accused, the Oregon State Bar alleges:

1.

The Oregon State Bar was created and exists by virtue of the laws of the State of Oregon and is, and at all times mentioned herein was, authorized to carry out the provisions of ORS Chapter 9, relating to the discipline of attorneys.

2.

The Accused, Lauren J. Paulson, is, and at all times mentioned herein was, an attorney at law, duly admitted by the Supreme Court of the State of Oregon to practice law in this state and a member of the Oregon State Bar, having his office and place of business in the County of Washington, State of Oregon.

3.

Alan Brown (hereinafter "Brown") died on October 15, 2001. Brown's living trust appointed the Accused as successor trustee. Brown's last will appointed the Accused as personal representative. Together, Brown's living trust

and last will devised Brown's entire estate to a married couple, Trudy Brady-Aiello and Michael Aiello.

4.

In June 2002, Trudy Brady-Aiello filed a lawsuit against the Accused which demanded an accounting of the trust (hereinafter "trust matter"). The Accused represented himself in that matter.

5.

Between December 2002, and June 2003, Michael Aiello was represented by Jerald Hillary (hereinafter "Hillary"). After June 2003, Hillary filed an attorney fee lien for services rendered to Michael Aiello.

6.

In March 2003, the Accused initiated a small estate proceeding regarding Brown's estate because Brown had had a brokerage account that was not included as an asset of the trust (hereinafter "small estate matter"). The Accused represented himself in the small estate matter. In June 2003, the State of Oregon asserted liens in the small estate matter and demanded reimbursement for public assistance payments made by the Department of Human Resources on behalf of Brown and his wife, who had predeceased Brown.

7.

After June 2003, the Accused, without a basis for doing so, denied the claims made by the State of Oregon, described more fully in paragraph 6 herein, and thereafter refused to settle those claims for reduced amounts. On May 14, 2004, the court ordered the settlement of claims made by the State of Oregon for reduced amounts.

8.

Oregon Rule of Civil Procedure 31 allows for the filing of an interpleader action by a plaintiff where the claims of multiple defendants are such that the plaintiff is or may be exposed to double or multiple liabilities. In June 2003, the Accused, as successor trustee, filed an interpleader action (hereinafter "interpleader matter") naming Trudy Brady-Aiello, Michael Aiello, Jerald Hillary, and the State of Oregon as defendants. The Accused represented himself in that matter. The interpleader was unnecessary as all of the claims that were or could have been raised by the defendants in that matter could have been resolved by the court in the pending trust and small estate matters.

9.

Oregon Rule of Civil Procedure 53 allows the court to consolidate matters when more than one of them involves a common question of law or fact. In November 2003, Trudy Brady-Aiello and Michael Aiello filed a motion to consolidate the trust, small estate and interpleader matters. The Accused opposed that motion on the ground that the cases did not involve a common issue of law or fact.

10.

In early 2004, Trudy Brady-Aiello and Michael Aiello filed a petition to have the Accused removed as trustee in the trust matter. In April 2004, the Accused filed a motion to dismiss that petition on the ground that there were no material differences in the allegations against him in the trust matter and the interpleader matter. This assertion contradicted the Accused's assertion opposing the motion to consolidate referenced in paragraph 9 above.

11.

On March 17, 2004, the Accused was deposed at his office concerning all three matters. Despite a prior agreement, the Accused did not have all of the file materials relating to the consolidated proceeding available for use during his deposition, During his deposition, the Accused gave evasive and non-responsive answers.

12.

On April 24, 2004, the Accused's legal assistant was deposed at the Accused's office. Prior to the scheduled deposition, the Accused's legal assistant was served with a subpoena duces tecum directing her to bring all of the file materials related to the three matters to the deposition. At the Accused's instruction, the Accused's legal assistant failed to bring the file materials to the deposition. During the deposition, the lawyer representing Trudy Brady-Aiello and Michael Aiello asked the Accused's legal assistant to retrieve curtain documents from the files. The Accused instructed his legal assistant not to retrieve those documents. The Accused also improperly instructed his legal assistant not to answer some of the questions and refused to disclose the basis for objecting to some of the questions.

13.

On May 14, 2004, the court removed the Accused as trustee and personal representative. The court stated that there would be no attorney fees generated from the small estate matter. Despite that ruling, the Accused thereafter asserted a claim for attorney fees arising out of the small estate matter.

14.

On October 15, 2001, after being notified of Brown's death, the Accused had his legal assistant remove the contents of a safe located in Brown's home. The Accused deposited the contents of the safe plus other miscellaneous items into a safety deposit box at Key Bank. The safety deposit box was registered in the name of the Accused and his legal assistant. Thereafter, the Accused asserted an attorney's fee lien on the contents of the safety deposit box when he did not intend to execute on the contents of the safety deposit in order to satisfy his lien. The Accused failed to relinquish the attorney's fee lien on the contents of the safety deposit box until he was pressed to do so a few days before a January 26, 2005, hearing when the court was to consider whether the Accused was entitled to collect the fees asserted in his lien.

15.

On January 26, 2005, the court ordered the Accused to assist the new trustee in obtaining the contents of the safety deposit box the following day. Although the Accused timely delivered the key for the safety deposit box to the new trustee, he thereafter failed to cooperate with the new trustee when Key Bank requested that the Accused or his legal assistant be present when the safety deposit box was opened.

16.

The aforesaid conduct of the Accused constitutes conduct prejudicial to the administration of justice, in violation of the following standards of professional conduct established by law and by the Oregon State Bar:

A. DR 1-102(A)(4) of the Code of Professional Responsibility and

B. RPC 8.4(a)(4) of the Oregon Rules of Professional Conduct.

For its SECOND CAUSE OF COMPLAINT against the Accused, the Oregon State Bar alleges:

17.

Realleges and incorporates by reference the allegations of paragraphs 1 through 15 of its First Cause of Complaint as if fully set forth herein.

18.

In the trust, small estate, and interpleader matters, the Accused charged attorney fees when he was not entitled to do so because the work he performed was in his capacity as a personal representative.

19.

The aforesaid conduct of the Accused constitutes charging an illegal or clearly excessive fee, in violation of the following standard of professional conduct established by law and by the Oregon State Bar:

A. DR 2-106(A) of the Code of Professional Responsibility.

For its THIRD CAUSE OF COMPLAINT against the Accused, the Oregon State Bar alleges:

20.

Realleges and incorporates by reference the allegations of paragraphs 1 through 15 of its First Cause of

Complaint and paragraph 18 of its Second Cause of Complaint as if fully set forth herein.

21.

In December 2004, Trudy Brady-Aiello filed a complaint with the Oregon State Bar regarding the Accused's conduct. On April 4, 2005, Disciplinary Counsel's Office requested the Accused's response to a number of questions about his conduct in handling Brady-Aiello's legal matter. The Accused knowingly failed to respond to all of the questions posed.

22.

On June 7, 2005, Disciplinary Counsel's Office requested the Accused's response to its April 4, 2005 questions. The Accused knowingly failed to provide a substantive response.

23.

On July 21, 2005, Disciplinary Counsel's Office requested the Accused's response to two of the questions previously posed by August 4, 2005. The Accused knowingly failed to respond by August 4, 2005.

24.

On August 23, 2005, Disciplinary Counsel's Office again requested the Accused's response to the two questions by August 30, 2005. The Accused knowingly failed to respond by August 30, 2005.

25.

The aforesaid conduct of the Accused constitutes knowingly failing to respond to a lawful demand for information from a disciplinary authority, in violation of

the following standard of professional conduct established by law and by the Oregon State Bar:

A. Oregon Rule of Professional Conduct 8.1(a)(2).

Rubeo Matter (Case No. 06-05)

For its FOURTH CAUSE OF COMPLAINT against the Accused, the Oregon State Bar alleges:

26.

Realleges and incorporates by reference the allegations of paragraphs 1 and 2 of its First Cause of Complaint as if fully set forth herein.

27.

In May 2005, Shannon Rubeo filed a complaint with the Oregon State Bar regarding the Accused's conduct. On June 28, 2005, Disciplinary Counsel's Office requested an account of the matter from the Accused on or before July 19, 2005. The Accused knowingly failed to respond by July 19, 2005.

28.

On July 21, 2005, Disciplinary Counsel's Office reminded the Accused of its previous request for information and requested his response on or before July 28, 2005. The Accused knowingly failed to provide a substantive response by July 28, 2005.

29.

On July 28, 2005, Disciplinary Counsel's Office requested a substantive response from the Accused on or before August 11, 2005. The Accused knowingly failed to respond by August 11, 2005.

30.

On August 15, 2005, Disciplinary Counsel's Office reminded the Accused of its previous request for information and requested his response on or before August 22, 2005. The Accused knowingly failed to provide a substantive response by August 22, 2005.

31.

On August 25, 2005, Disciplinary Counsel's Office requested a factual recitation of the course of his representation of Shannon Rubeo by September 8, 2005. The Accused knowingly failed to respond by September 8, 2005.

32.

On September 13, 2005, Disciplinary Counsel's Office reminded the Accused of its previous request for information and requested his response on or before September 20, 2005. The Accused knowingly failed to provide a substantive response by September 20, 2005.

33.

On October 18, 2005, Disciplinary Counsel's Office reminded the Accused of its previous request for information and requested his response to some additional questions on or before November 1, 2005. The Accused knowingly failed to respond by November 1, 2005.

34.

On November 10, 2005, the Accused provided a partial response to the prior requests by Disciplinary Counsel's Office.

35.

On November 23, 2005, Disciplinary Counsel's Office reminded the Accused of its prior request for information and requested his response to some additional questions on or before December 7, 2005. The Accused knowingly failed to respond by December 7, 2005.

36.

On December 9, 2005, Disciplinary Counsel's Office reminded the Accused of its previous request for information and requested his response on or before December 16, 2005. The Accused knowingly failed to provide a substantive response by December 16, 2005.

37.

The aforesaid conduct of the Accused constitutes knowingly failing to respond to a lawful demand for information from a disciplinary authority, in violation of the following standard of professional conduct established by law and by the Oregon State Bar:

A. Oregon Rule of Professional Conduct 8.1(a)(2).

Hernandez and Schauermann Matters (Case Nos. 07-19 & 07-20)

For its FIFTH CAUSE OF COMPLAINT against the Accused, the Oregon State Bar alleges:

38.

Realleges and incorporates by reference the allegations of paragraphs 1 and 2 of its First Cause of Complaint as if fully set forth herein.

39.

On June 8, 2006, the Oregon Supreme Court issued an opinion in *In re Paulson*, S52465, which suspended the Accused from the practice of law for six months. The suspension became effective on October 15, 2006. On August 23, 2006, the Accused was notified that his suspension would commence on October 15, 2006.

40.

Before October 15, 2006, the Accused represented plaintiff in Washington County Circuit Court case *Roby v. Tuality Community Hospital et al*, No. C070796CV. On October 15, 2006, the Accused filed a motion to postpone trial/hearing and to abate. On that same day, the Accused also filed a First Amended Complaint.

41.

Before October 15, 2006, the Accused represented plaintiff in Washington County Circuit Court Case *Owsley v. The Farm and Garden Store*, No. C06-2691CV. On October 15, 2006, the Accused filed a motion to postpone trial/hearing and to abate.

42.

The aforesaid conduct of the Accused constitutes failing to withdraw from representation of a client if the representation would result in a violation of the Rules of Professional Conduct; engaging in the unlawful practice of law; engaging in conduct prejudicial to the administration of justice; and practicing law while not an active member of the bar, in violation of the following standards of professional conduct established by law and by the Oregon State Bar:

A. RPC 1.16(a)(l);

B. RPC 5.5; and

C. RPC 8.4(a)(4) of the Oregon Rules of Professional Conduct; and

D. ORS 9.160.

For its SIXTH CAUSE OF COMPLAINT against the Accused, the Oregon State Bar alleges:

43.

Realleges and incorporates by reference the allegations of paragraphs 1 and 2 of its First Cause of Complaint, and paragraphs 39 through 41 of its Fifth Cause of Complaint as if fully set forth herein.

44.

In the motions to postpone trial/hearing and to abate described in paragraphs 40 and 41 herein, the Accused represented to the court that *In re Paulson*, S52465 was on appeal. The representation was false and the Accused knew it was false at the time he made it.

45.

The aforesaid conduct of the Accused constitutes knowingly making a false statement to a tribunal; engaging in conduct involving misrepresentation; and engaging in Conduct prejudicial to the administration of justice, in violation of the following standards of professional conduct established by law and by the Oregon State Bar:

A. RPC 3.3(a);

B. RPC 8.4(a)(3); and

C. RPC 8.4(a)(4) of the Oregon Rules of Professional Conduct.

For its SEVENTH CAUSE OF COMPLAINT against the Accused, the Oregon State Bar alleges:

46.

Realleges and incorporates by reference the allegations of paragraphs 1 and 2 of its First Cause of Complaint, paragraphs 39 through 41 of its Fifth Cause of Complaint, and paragraph 44 of its Sixth Cause of Complaint as if fully set forth herein.

47.

In November 2006, the Bar received a complaint regarding the Accused's conduct in the matters described in paragraphs 40 and 41 herein. On November 14, 2006, Disciplinary Counsel's Office requested an account of the matter from the Accused on or before December 28, 2006. The Accused knowingly failed to respond by December 28, 2006.

48.

On January 3, 2007, Disciplinary Counsel's Office reminded the Accused of its previous request for information and requested his response on or before January 10, 2007. The Accused knowingly failed to provide a substantive response by January 10, 2007.

49.

The aforesaid conduct of the Accused constitutes knowingly failing to respond to a lawful demand for information from a disciplinary authority, in violation of the following standard of professional conduct established by law and by the Oregon State Bar:

A. Oregon Rule of Professional Conduct 8.1(a)(2).

Montalbano Matter (Case No. 07-21)

For its *EIGHTH CAUSE OF COMPLAINT* against the Accused, the Oregon State Bar alleges:

50.

Realleges and incorporates by reference the allegations of paragraphs 1 and 2 of its First Cause of Complaint, and paragraph 39 of its Fifth Cause of Complaint as if fully set forth herein.

51.

Before October 15, 2006, the Accused represented plaintiff in Columbia County Circuit Court Case *Lunsford v. West Oregon Wood Product,* No. 992166. On October 15, 2006, the Accused filed a motion to postpone trial/hearing and to abate this case.

52.

The aforesaid conduct of the Accused constitutes failing to withdraw from representation of a client if the representation would result in a violation of the Rules of Professional Conduct; engaging in the unlawful practice of law; engaging in conduct prejudicial to the administration of justice; and practicing law while not an active member of the bar, in violation of the following standards of professional conduct established by law and by the Oregon State Bar:

A. RPC 1.16(a)(1);

B. RPC 5.5; and

C. RPC 8.4(a)(4) of the Oregon Rules of Professional Conduct; and

D. ORS 9.160.

For its NINTH CAUSE OF COMPLAINT against the Accused, the Oregon State Bar alleges:

53.

Realleges and incorporates by reference the allegations of paragraphs 1 and 2 of its First Cause of Complaint, paragraph 39 of its Fifth Cause of Complaint, and paragraph 51 of its Eighth Cause of Complaint as if fully set forth herein.

54.

In the motion to postpone trial/hearing and to abate described in paragraph 51 herein, the Accused represented to the court that *In re Paulson,* S52465 was on appeal. The representation was false and the Accused knew it was false at the time he made it.

55.

The aforesaid conduct of the Accused constitutes knowingly making a false statement to a tribunal; engaging in conduct involving misrepresentation; and engaging in conduct prejudicial to the administration of justice, in violation of the following standards of professional conduct established by law and by the Oregon State Bar:

A. RPC 3.3(a);

B. RPC 8.4(a)(3); and

C. RPC 8.4(a)(4) of the Oregon Rules of Professional Conduct.

For its TENTH CAUSE OF COMPLAINT against the Accused, the Oregon State Bar alleges:

56.

Realleges and incorporates by reference the allegations of paragraphs 1 and 2 of its First Cause of Complaint, paragraph 39 of its Fifth Cause of Complaint, paragraph 51 of its Eighth Cause of Complaint, and paragraph 54 of its Ninth Cause of Complaint as if fully set forth herein.

57.

In October 2006, the Bar received a complaint regarding the Accused's conduct in the matter described in paragraph 51 herein. On November 7, 2006, Disciplinary Counsel's Office requested an account of the matter from the Accused on or before December 28, 2006. The Accused knowingly failed to respond by December 28, 2006.

58.

On January 3, 2007, Disciplinary Counsel's Office reminded the Accused of its previous request for information and requested his response on or before January 10, 2007. The Accused knowingly failed to provide a substantive response by January 10, 2007.

59.

The aforesaid conduct of the Accused constitutes knowingly failing to respond to a lawful demand for information from a disciplinary authority, in violation of the following standard of professional conduct established by law and by the Oregon State Bar:

A. Oregon Rule of Professional Conduct 8.1(a)(2).

OSB Matter (Case No. 07-22)

For its ELEVENTH CAUSE OF COMPLAINT against the Accused, the Oregon State Bar alleges:

60.

Realleges and incorporates by reference the allegations of paragraphs 1 and 2 of its First Cause of Complaint, and paragraph 39 of its Fifth Cause of Complaint as if fully set forth herein.

61.

Before October 15, 2006, the Accused represented one of the defendants in Clackamas County Circuit Court Case *The Education Resources Institute Inc. v. Holland et al,* No. LV05070861. On October 15, 2006, the Accused filed a motion to postpone trial/hearing and to abate this case.

62.

Before October 15, 2006, the Accused represented respondent in Columbia County Circuit Court Case *Loucks and Loucks,* No. 01-3187. The matter was set for trial on October 19, 2006. On October 15, 2006, the Accused filed a motion to withdraw and a motion to postpone trial/hearing and to abate this case. On October 16, 2006, the Accused engaged in settlement discussions with the lawyer for the petitioner.

63.

On October 19, 2006, the court granted the Accused's motion to withdraw as counsel for respondent in the matter described in paragraph 62 herein. The Accused failed to surrender the file to his client until the end of November 2006.

64.

After October 14, 2006, the Accused, through a sign outside his office and in a message on his office telephone, held himself out as an attorney at law.

65.

The aforesaid conduct of the Accused constitutes failing to withdraw from representation of a client if the representation would result in a violation of the Rules of Professional Conduct; failing to take steps to the extent reasonably practicable to protect a client's interests upon termination of representation; engaging in the unlawful practice of law; engaging in conduct prejudicial to the administration of justice; and practicing law or holding oneself out as qualified to practice law while not an active member of the bar, in violation of the following standards of professional conduct established by law and by the Oregon State Bar:

A. RPC 1.16(a)(1);

B. RPC 1.16(d);

C. RPC 5.5; and

D. RPC 8.4(a)(4) of the Oregon Rules of Professional Conduct; and

E. ORS 9.160.

For its TWELFTH CAUSE OF COMPLAINT against the Accused, the Oregon State Bar alleges:

66.

Realleges and incorporates by reference the allegations of paragraphs 1 and 2 of its First Cause of Complaint, paragraph 39 of its Fifth Cause of Complaint, and

paragraphs 61 through 64 of its Eleventh Cause of Complaint, as if fully set forth herein.

67.

In the motions to postpone trial/hearing and to abate described in paragraphs 61 and 62 herein, the Accused represented to the court that *In re Paulson,* S52465 was on appeal. The representation was false and the Accused knew it was false at the time he made it.

68.

The aforesaid conduct of the Accused constitutes knowingly making a false statement to a tribunal; engaging in conduct involving misrepresentation; and engaging in conduct prejudicial to the administration of justice, in violation of the following standards of professional conduct established by law and by the Oregon State Bar:

A. RPC 3.3(a);

B. RPC 8.4(a)(3); and

C. RPC 8.4(a)(4) of the Oregon Rules of Professional Conduct.

For its THIRTEENTH CAUSE OF COMPLAINT against the Accused, the Oregon State Bar alleges:

69.

Realleges and incorporates by reference the allegations of paragraphs 1 and 2 of its First Cause of Complaint, paragraph 39 of its Fifth Cause of Complaint, paragraphs 61 through 64 of its Eleventh Cause of Complaint, and paragraph 67 of its Twelfth Cause of Complaint as if fully set forth herein.

70.

In October and November 2006, the Bar received information regarding the Accused's conduct in the matters described in paragraphs 61 through 64 herein. On November 7, 2006, Disciplinary Counsel's Office requested an account of the matter from the Accused on or before December 28, 2006. The Accused knowingly failed to respond by December 28, 2006.

71.

On January 3, 2007, Disciplinary Counsel's Office reminded the Accused of its previous request for information and requested his response on or before January 10, 2007. The Accused knowingly failed to provide a substantive response by January 10, 2007.

72.

The aforesaid conduct of the Accused constitutes knowingly failing to respond to a lawful demand for information from a disciplinary authority, in violation of the following standard of professional conduct established by law and by the Oregon State Bar:

A. Oregon Rule of Professional Conduct 8.1(a)(2).

WHEREFORE, the Oregon State Bar demands that the Accused make answer to this complaint; that a hearing be set concerning the charges made herein; that the matters alleged herein be fully, properly and legally determined; and pursuant thereto, such action be taken as may be just and proper under the circumstances.

EXECUTED this 8th day of March, 2007.

OREGON STATE BAR

By: /s/ Jeffrey D. Sapiro
JEFFREY D. SAPIRO
Disciplinary Counsel

CERTIFICATE OF FILING AND SERVICE

I hereby certify that I filed the foregoing AMENDED FORMAL COMPLAINT on the 8th day of March, 2007, by delivering the original to:

Disciplinary Board Clerk
Oregon State Bar
5200 SW Meadows Road
Lake Oswego, OR 97035

I further certify I served the foregoing AMENDED FORMAL COMPLAINT on the 8th day of March, 2007, by mailing a copy by first class mail, with postage prepaid, through the United States Postal Service to:

Susan G. Bischoff, Esq.
Gresham City Attorney's Office
Gresham City Hall
1333 N.W. Eastman Parkway
Gresham, OR 97030

Ronald W. Atwood, Esq.
333 S.W. 5th, Ste. 200
Portland, OR 97204

Stephen A. Kosokoff
2445 N.W. Westover Rd., #406
Portland, OR 97210

Lauren J. Paulson
3980 S.W. 170th Ave.
Aloha, OR 97007

Mark Morrell, Esq.
806 S.W. Broadway, Ste. 1200
Portland, OR 97205

Dated this 8th day of March, 2007.

OREGON STATE BAR

By: /s/ Stacy J. Hankin
Stacy J. Hankin OSB No. 86202

Rule 2.5 Intake and Review of Inquiries and Complaints by Client Assistance Office.

(a) Client Assistance Office. The Bar shall establish a client assistance office, separate from that of Disciplinary Counsel, that shall receive and review all inquiries and complaints, oral and written, about the conduct of attorneys.

(1) If an inquiry or complaint, either on its face or after investigation by the client assistance office, does not raise an actual complaint of misconduct, the client assistance office will retain the inquiry or complaint and attempt to resolve for the person making the inquiry or complaint the concerns expressed therein, to the extent possible and as resources permit. A decision by the client assistance office that an inquiry or complaint does not raise an actual complaint of misconduct may be appealed to General Counsel. The decision of General Counsel is final.

(2) If an inquiry or complaint does raise an actual complaint of misconduct, it shall be considered a disciplinary complaint and the client assistance office shall refer the matter to Disciplinary Counsel.

(b) Actual Complaint of Misconduct Defined. An actual complaint of misconduct exists when the client assistance office determines that there is credible evidence to support an allegation that misconduct has occurred.

(Rule 2.5 amended by Order dated January 17, 1992.)

OREGON STATE BAR

Section 1 – Administration

* * *

■ ***Regulatory Services/Discipline***

Jeff Sapiro, Manager 319
Amber Devacqua Lynon 365
Barbara Buehler 370
Jane Angus 318
Karen Duncan 341
Linn Davis 332
Lynn Bey Roode 369
Lynn Haynes 342
Martha Hicks 322
Mary Cooper 321
Raya Levin 339
Sandy Gerbish 327
Sean Michael 330
Stacy Hankin 347
Susan Cournoyer 324
Vickie Hansen 343

Section 2 – Organization

* * *

Boards and LPRCs

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5200 SW Meadows Rd. Lake Oswego, OR 97035,
(503) 620-0222, Ext. 410

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Oregon Law Foundation Board of Directors

Judith Baker, OLF Executive Director,
5200 SW Meadows Rd. Lake Oswego, OR 97035,
(503) 620-0222, Ext. 323

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State Professional Responsibility Board

Jeff Sapiro, Director of Regulatory Services and
Disciplinary Counsel, 5200 SW Meadows Rd.
Lake Oswego, OR 97035, (503) 620-0222, Ext. 319

Amy R. Alpern (Chair), John F. (Jack) Folliard Jr. Richard H. Braun, Linda Lee Lynch (Public Member), James A. Marshall, Martha J. Rodman, David W. Ihttlo, Dr. Johe

Krechman (Public Member), Timothy C. Gerking (BOG Liaison)

Disciplinary Board

Sylvia E. Stevens, Deputy Director and General Counsel, (503) 620-0222, Ext. 359 or Cassandra Stich, Administrative Assistant, (503) 620-0222, Ext. 334 5200 SW Meadows Rd. Lake Oswego, OR 97035

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State Chair-Elect:	Susan G. Bischoff
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Region 2 Chair:	Gregory E. Skillman
Region 3 Chair:	R. Paul Frasier
Region 4 Chair:	Arnold S. Polk
Region 5 Chair:	Susan G. Bischoff
Region 6 Chair:	Gil Feibleman

Local Professional Responsibility Committee County Chairs

Jeff Sapiro, Director of Regulatory Services and Disciplinary Counsel, 5200 SW Meadows Rd. Lake Oswego, OR 97035, 620-0222, Ext. 319

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Benton/Lincoln/Polk – Joseph E. Penna – Chair
Clackamas/Linn/Marion – Kyle J. Martin – Chair
Clatsop/Columbia/Tillamook – Brian L. Erickson – Chair
Coos/Curry – Daniel M. Hinnchs – Chair
Crook/Deschutes/Jefferson/Wheeler – Thomas C. Howes – Chair
Douglas – Bruce B. Coalwell – Chair
Gilliam/Hood – River/Sherman/Wasco – William H. Sumerfield – Chair
Harney/Malheur – R. David Butler, II – Chair
Jackson/Josephine – Gerald M. Shean – Chair

Klamath/Lake – Andrew C. Brandsness – Chair
Lane – Joseph G. Schwarte – Chair
Morrow/Urnatilla – Kittee Custer – Chair
Multnomah – John D. Parsons – Chair
Union/Wallowa – Mona K. Williams – Chair
Washington/Yarnhill – Kelly Ford – Chair

* * *

2004 Board of Governors Handbook

Subsection 18.104 – Records Exempt from Public Disclosure

The following records are exempt from disclosure to the extent permitted by the Public Records Law:

(a) Investigative assignments made by Disciplinary Counsel or the SPRB to a Local Professional Responsibility Committee or other investigator, to the extent they cover other than purely factual materials.

(b) Investigative reports or summaries concerning active disciplinary matters prepared by the Disciplinary Counsel's Office, a Local Professional Responsibility Committee, a bar investigator or the SPRB prior to a finding of probable cause in the matter; to the extent that they cover other than purely factual materials. When complaints are closed by dismissal, admonition or the completion of formal proceedings; the material otherwise exempt by this subsection from disclosure will be open to public inspection.

(c) The work product of bar counsel or Disciplinary Counsel.

(d) Communications between bar counsel and Disciplinary Counsel's Office and between Disciplinary Counsel and the SPRB, regarding the merits of a prosecution or relating to matters of strategy to the extent they are privileged under OEC 503.

(e) Information of a personal nature submitted to the Bar during a disciplinary investigation, a reinstatement proceeding, pursuant to BR 3.2, 3.3 and 3.4 or otherwise; if the requirements of ORS 192.502(2) have been met.

(f) Other records that the Bar deems to be confidential pursuant to an exception in the Public Records Law.

[LOGO]

2004

Program Measures Review

March 2005

2004 OSB Program Measures

Disciplinary Counsel

The goal of the Disciplinary Counsel's Office (DCO) is to ensure an ethical bar, public and member confidence in the system, and a fair, efficient and cost-effective system to discipline lawyers who violate the Oregon Rules of Professional Conduct.

* * *

VOLUNTEERS/PARTNERSHIPS

Volunteers: The State Professional Responsibility Board (SPRB), comprised of seven lawyers and two public members, is responsible for oversight of disciplinary investigation and prosecution. Serving as field investigators on 16 professional responsibility committees are 101

lawyers and eight public members. Nearly 90 lawyers serve on a statewide panel as trial counsel; for the Disciplinary Board, 65 lawyers and public members serve as adjudicatory officers from which trial panels are selected. In addition, 15 lawyers and three public members make up the Unlawful Practice of Law Committee.

Partnerships: Other groups and entities play a role in maintaining high standards of ethics and competency, including the bar's Client Assistance Office, which screens inquiries and complaints; state court judges who observe lawyer conduct; the Professional Liability Fund and its Loss Prevention Program (OAAP); the State Court Administrator's Office; and the Oregon Supreme Court.

* * *

(c) In 2004, bar counsel was surveyed at the conclusion of each case to assess the quality of staff. Of 22 surveys returned, 19 rated staff "excellent" and 3 "good" for pre-trial analysis and preparation; all 22 rated staff "excellent" for trial preparation; and 18 rated staff "excellent" and 4 "good" for overall assistance. Comments indicate that staff's assistance and skill were highly valued. In 2003, of 17 returns, 14 rated staff "excellent" and 3 "good" for pre-trial analysis and preparation; 10 rated staff "excellent" and 7 "good" for overall assistance.

* * *